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NOTICE OF ALLOWANCE AND FEE(S) DUE

22852

7590

04/07/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

KOPPIKAR, VIVEK D

ART UNIT

PAPER NUMBER

3686

DATE MAILED: 04/07/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,893	08/06/2003	Mitzi R. Hail	8324-0004-00	7344

TITLE OF INVENTION: SYSTEMS AND METHODS FOR MANAGING INSURANCE CLAIMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	07/07/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22852 7590 04/07/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
 LLP
 901 NEW YORK AVENUE, NW
 WASHINGTON, DC 20001-4413

Certificate of Mailing or Transmission

Hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/634,893 08/06/2003

Mitzi R. Hail

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	07/07/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
KOPPIKAR, VIVEK D	3686	705-004000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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22852	7590	04/07/2010	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			KOPPEKAR, VIVEK D	
			ART UNIT	PAPER NUMBER
			3686	

DATE MAILED: 04/07/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1685 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1685 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/634,893

Examiner

VIVEK D. KOPPIKAR

Applicant(s)

HAIL ET AL.

Art Unit

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/19/2010.
2. ☒ The allowed claim(s) is/are 1-5, 7-12, and 14-16 (Renumbered 1-14).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip Hoffman on March 26, 2010.

The application has been amended as follows:

In the Claims:

The claims should now read as follows:

1. (Currently Amended) A computer-implemented method for managing insurance claims, comprising the steps, performed by a computer, of:
 - receiving data related to an insurance claim via a network;
 - determining whether the insurance claim has recovery potential by using the received data to compare a value of the insurance claim with a threshold amount, wherein the insurance claim is determined to have a recovery potential when the value is greater than the threshold amount;
 - if it is determined that the insurance claim has recovery potential,
 - providing a characteristic of the insurance claim, and
 - automatically evaluating the characteristic of the insurance claim;
 - searching a client database to determine if other claims exist for an insured individual associated with the claim, ~~wherein, if it is determined that no~~

~~other claim exists for the insured individual, payment is delayed pending investigation;~~

delaying payment pending investigation based on a determination that no other claim exists for the insured individual; and

establishing a payment decision for the insurance claim based on at least one of the received data and the evaluation of the characteristic.

2. (Original) The method of claim 1, wherein the data related to the insurance claim includes at least one of a treatment code, a provider, and a claim value.
3. (Original) The method of claim 1, wherein the providing step further includes:
determining whether a related insurance claim has been received.
4. (Original) The method of claim 1, wherein the providing step further includes:
determining whether a worker's compensation claim corresponding to the insurance claim has been accepted.
5. (Original) The method of claim 1, wherein the providing step further includes:
determining whether first party insurance coverage corresponding to the insurance claim is available.
6. (Cancelled).

7. (Original) The method of claim 1, wherein the determining step further includes:

applying weights to specified portions of the data related to the insurance claim to obtain weighted values;

adding the weighted values to obtain a result;

comparing the result to a likely recovery value; and

determining that the insurance claim has recovery potential when the result is above the likely recovery value.

8. (Currently Amended) A system for managing insurance claims, comprising:

a receiving component configured to receive data related to an insurance claim via a network;

a determining component configured to determine whether the insurance claim

has recovery potential by using the received data to compare a value of the insurance claim with a threshold amount, wherein the insurance claim is determined to have a recovery potential when the value is greater than the threshold amount;

a providing component configured to provide a characteristic of the insurance claim and to automatically evaluate the characteristic, if the determining component determines that the insurance claim has recovery potential; a searching component for searching a client database to determine if other claims exist for an insured individual associated with the claim, ~~wherein, if it is determined that no other claim exists for the insured individual, payment is delayed pending investigation;~~

an investigation component for delaying payment pending investigation based on

a determination that no other claim exists for the insured individual; and

an establishing component configured to establish a payment decision for the insurance claim based on at least one of the received data and the evaluation of the characteristic.

9. (Original) The system of claim 8, wherein the data related to the insurance claim includes at least one of a treatment code, a provider, and a claim value.

10. (Original) The system of claim 8, wherein the providing component further includes:

a determining component configured to determine whether a related insurance claim has been received.

11. (Original) The system of claim 8, wherein the providing component further includes:

a determining component configured to determine whether a worker's compensation claim corresponding to the insurance claim has been accepted.

12. (Original) The system of claim 8, wherein the providing component further includes:

a determining component configured to determine whether first party insurance coverage corresponding to the insurance claim is available.

13. (Cancelled).

14. (Original) The system of claim 8, wherein the determining component further includes:

an applying component configured to apply weights to specified portions of the data related to the insurance claim to obtain weighted values;

an adding component configured to add the weighted values to obtain a result;

a comparing component configured to compare the result to a likely recovery value; and

a determining component configured to determine that the insurance claim has recovery potential when the result is above the likely recovery value.

15. (Currently Amended) A system for managing insurance claims, comprising:

means for receiving data related to an insurance claim via a network;

means for determining whether the insurance claim has recovery potential

by using the received data to compare a value of the insurance claim

with a threshold amount, wherein the insurance claim is determined to

have a recovery potential when the value is greater than the threshold

amount;

means for providing a characteristic of the insurance claim, and automatically

evaluating the characteristic of the insurance claim, if it is determined that

the insurance claim has recovery potential;

means for searching a client database to determine if other claims exist for an

insured individual associated with the claim, ~~wherein, if it is determined~~

~~that no other claim exists for the insured individual, payment is delayed~~

~~pending investigation;~~

means for delaying payment pending investigation based on a determination that

no other claim exists for the insured individual; and

means for establishing a payment decision for the insurance claim based on at least one of the received data and the evaluation of the characteristic.

16. (Currently Amended) A computer-usable storage medium having computer-readable code embodied therein for managing insurance claims, the computer-readable code comprising:
- a receiving module configured to receive data related to an insurance claim via a network;
 - a determining module configured to determine whether the insurance claim has recovery potential by using the received data to compare a value of the insurance claim with a threshold amount, wherein the insurance claim is determined to have a recovery potential when the value is greater than the threshold amount;
 - a providing module configured to provide a characteristic of the insurance claim and automatically evaluate the characteristic of the insurance claim, if it is determined that the insurance claim has recovery potential;
 - a searching module for searching a client database to determine if other claims exist for an insured individual associated with the claim, wherein, if ~~it is determined that no other claim exists for the insured individual,~~ payment is delayed pending investigation;

an investigation module for delaying payment pending investigation based on a determination that no other claim exists for the insured individual; and
an establishing module configured to establish a payment decision for the insurance claim based on at least one of the received data and the evaluation of the characteristic.

Cancel Claims 17-58.

Allowable Subject Matter

2. Claims 1-5, 7-12 and 14-16 are allowed over the prior art.
3. The following is an examiner's statement of reasons for allowance:

The prior art does not teach the following feature which is in all of the independent claims of the instant case:

delaying payment pending investigation based on a determination that no other claim exists for the insured individual

The Jernberg, Tarter and Rojewski patent references and the IRT non-patent reference do not teach or suggest this above-mentioned feature. The IRT non-patent reference teaches determining whether a related insurance claim has been received (IRT: Page 1, Lines 20-27) but does not teach the step of delaying payment pending investigation based on a determination that no other claim exists for the insured individual.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Jerry O'Connor, can be reached at (571) 272-6787. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

/Vivek D Koppikar/

Primary Examiner, Art Unit 3686

4/7/2010

